THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No. 26287 OF 2007

DATED: 10-12-2007

Between:

Sri Jabba Venkateswara Rao,
S/o. Sri Seethaiah

… Petitioner

And

The State of Andhra Pradesh,
Rep. by Tahsildar, Bhimadole Mandal,
West Godavari District and another

… Respondents

THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No. 26287 OF 2007

ORDER:

The petitioner, who claims to be the owner and possessor of land admeasuring Ac.0.61 cents covered by R.S.No.165/3 of Surappagudem village, Bhimadole Mandal, West Godavari District, filed this writ petition questioning the validity of the order dated 15-10-2007 passed in proceedings Spl.Regr.No.(D) 36/2007 by which his request for grant of orders was rejected pending disposal of the appeal filed by him under the provisions of A.P. Assigned lands (Prohibition of Transfers) Act, 1977 (for short 'the Act').

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The primary authority, under the provisions of the Act, passed the order of eviction dated 22-07-2007 in Roc.B.295/2007. Against the said order of eviction, the petitioner has filed an appeal before the Revenue Divisional Officer, Eluru as provided under Section 4-A of the Act and sought for interim orders. However, by impugned order dated

15-10-2007, the appellate authority rejected interim orders merely stating that there are no grounds to pass an interim order.

It is submitted by learned counsel for the petitioner that the land in question was not an assigned land and the transfer was not in violation of the provisions of the Act.

In view of the pendency of the appeal, it is not desirable to record any finding on merits about the validity of the order dated 22-07-2007, passed by the primary authority. As it is claimed that the petitioner has purchased the land in question as early as in the year 1991 and the appeal filed by him is pending consideration before the appellate authority, I dispose of the writ petition directing the second respondent/appellate authority to dispose of the appeal filed by the petitioner as expeditiously as possible. I further direct that the order of eviction dated 22-07-2007, passed in Roc.B.295/2007, by the first respondent shall not be enforced till the disposal of the appeal and the petitioner shall be allowed to continue in possession till then.

Subject to the above directions, writ petition is disposed of. No order as to costs.

_____

R. SUBHASH REDDY, J.

Dt: 10-12-2007
Rns/MRR

THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 26287 OF 2007

Dated: 10-12-2007

RNS